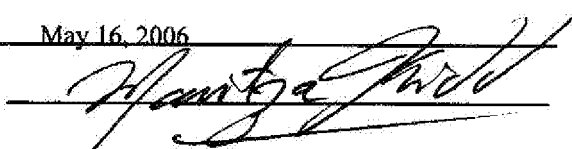
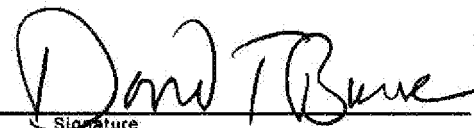


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 11.027011 US	
I hereby certify that that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below via the USPTO-EFS-Web filing system. on <u>May 16, 2006</u> Signature <u></u> Typed or printed name <u>Maritza Kidd</u>		Application Number 10/675,451	Filed 09/30/2003
		First Named Inventor Stephen L. Fichera	
		Art Unit 3656	Examiner Douglas Hess
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> Applicant/inventor.</p> <p><input type="checkbox"/> Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> Attorney or agent of record. Registration number: 37,104</p> <p><input type="checkbox"/> Attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>5</u> forms are submitted.</p>			


Signature
David T. Burse
Typed or printed name

S-16-06
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**ARGUMENTS IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

Applicant respectfully requests a pre-appeal brief conference. No amendments are being filed with this request. Therefore, Claims 12-33 remain pending.

Applicant has considered all of the Examiner's objections and rejections to the pending claims. Claims 12-15, 18, 19, 21-23, 26-29, and 31-33 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Weaver (USP 1,010,468). Claims 12, 16-18, 20, 21, 24, 26-29, and 31-33 stand rejected under 35 U.S.C. § 102(b) for allegedly being anticipated by Goodman (USP 2,854,169). Applicant respectfully traverses.

In a response dated September 6, 2005 to the Restriction Requirement of August 8, 2005, Applicant chose to pursue claims directed to the embodiment set forth in Figure 5A of this application. As is clear from Figure 5A, and the text on page 14, line 21, to page 15, line 19 of the specification describing Figures 5A-B, the particular embodiment claimed herewith (see Claim 12) is an apparatus for storing a plurality of slides on a base member, where **"the top surface of the base member [is] substantially parallel to a horizontal,"** and that the slides are **"angularly stacked relative to the horizontal."** The specification discloses that

Figures [sic] 5A shows one embodiment of slides being arranged in a **fanning arrangement**. Figure 5B shows the positioning of the bottom two slides 100a and 100b in such a fanning arrangement. In this apparatus 500, the base member 510 is generally horizontal In the depicted embodiment, **the slides that are higher** in the fanning arrangement, such as slides 100f-g, **are at a steeper angle** relative to the horizontal 205 **compared to slides that are lower in the fanning arrangement**, such as slides 100a-b.

Specification, page 14, lines 21- 25 and page 15, lines 4-7. Thus, the presently claimed invention, as set forth both in Claim 12 and the specification, is directed to an apparatus having, *inter alia*, a base member being parallel to the horizontal and a

plurality of slides being in a fanning arrangement and at angle with respect to the horizontal. In contrast:

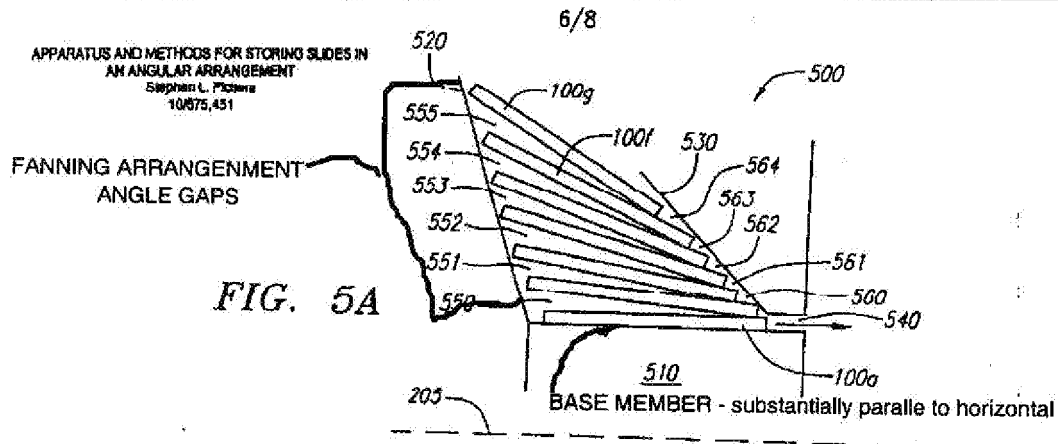
1. Weaver discloses a case for holding labels and the like. The figures of Weaver show that the labels being stacked are **parallel to the horizontal**. See in particular Figures 1 and 2. While the bottom few labels are offset from the rest of the stack, as shown in Figure 2, **none of the labels is angularly stacked with respect to the horizontal**.
2. Goodman teaches a carton dispenser in which **all of the cartons form the same angle** with respect to the horizontal. Element 19 of the Goodman device, Figure 2, is roughly analogous to the base member element of Claim 12. Figure 2 shows that element 19 is set at an angle with respect to the horizontal, such that the top surface thereof is not substantially parallel to the horizontal. The cartons stacked on element 19 all form the same angle **with respect to the horizontal**.

As stated above, neither Weaver nor Goodman, either alone or in combination, teach or suggest such an arrangement. All of the labels depicted in Weaver are parallel to horizontal, while the base member of Goodman is at an angle to the horizontal.

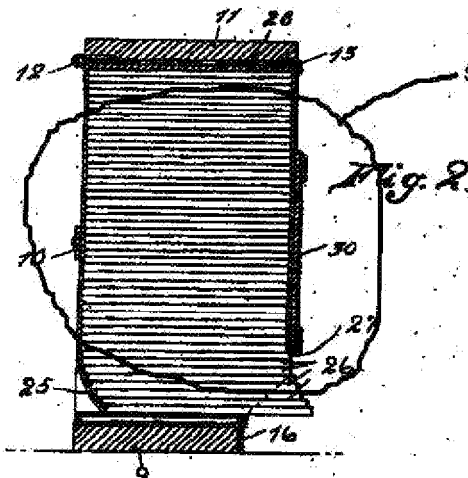
Therefore, Applicant respectfully points out that at least two elements of Claim 12, i.e., "a base member . . . a top surface of the base member being substantially parallel to a horizontal" and "slides being angularly stacked relative to the horizontal," are not present in the cited prior art. Furthermore, Applicant respectfully maintains that neither cited reference, either alone or in combination, provides a motivation or expectation of success to angle the slides of the presently claimed apparatus as set forth in Claim 12. Accordingly, Applicant respectfully maintains that Claim 12, and Claims 13-33 which depend directly or indirectly from Claim 12, are not anticipated by Weaver.

SUMMARY

US Application 10/675,451	Weaver USPN 1,010,468	Goodman USPN 2,854,169
Claims 12: ... "a base member for providing vertical support to the plurality of slides, a top surface of the base member being <u>substantially parallel to a horizontal</u>" ...		Describes and illustrates egg cartons that are stacked on top of each other, where the base member is at an <u>angle</u> to the horizontal.
Claim 12: ... "the plurality of slides being <u>angularly stacked relative to the horizontal</u> on the base member and between the first and second support members so that at least the two bottom slides of the plurality of slides are offset <u>and the edges of adjacent slides do not overlap each other.</u>"	Describes and illustrates flat labels that are stacked on top of each other in a flat, linear manner. Weaver explains that containers are constructed so that the labels "lie flat" (Col. 1, lines 25-26) All of the labels depicted in Weaver are parallel to horizontal	Describes and illustrates egg cartons that are stacked on top of each other , with the edges of the adjacent cartons overlapping each other. All cartons are stacked at the same angle.



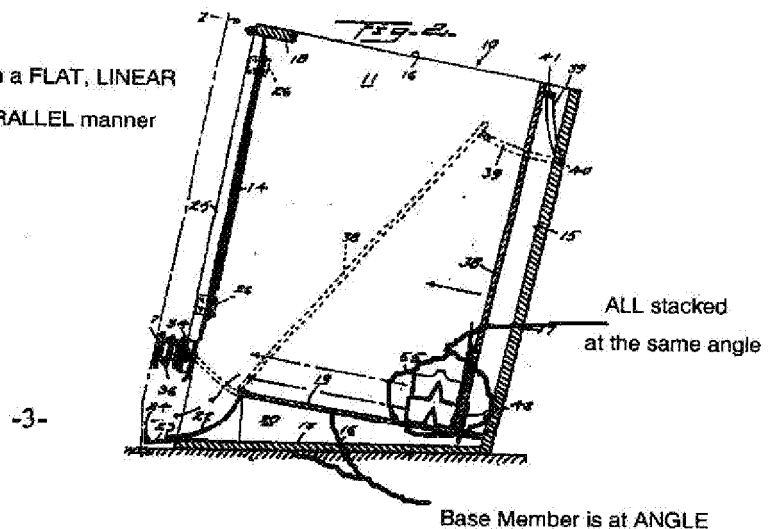
G. B. WEAVER.
CLAIM FOR PATENT GRANTED IN THE U.S.
APPLICATION FILED MAY 8, 1911.
1,010,468.
Patented Dec. 5, 1911.
BY J. H. HARRIS



Sept. 30, 1968

P. J. GOODMAN
GUYTON DISTRICT
Filed Dec. 18, 1968

2,854,169



CONCLUSION

For the reasons set forth above, Applicant respectfully submits that currently pending claims are patentable over the cited prior art. A notice of allowance is respectfully requested.

Respectfully submitted,
VISTA IP LAW GROUP LLP

Dated: 5-16-06

By: David T. Burse
David T. Burse
Reg. No. 37,104

Customer Number
41696
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